

Notice of Allowability

Application No.

09/712,101

Examiner

Quang N. Nguyen

Applicant(s)

CARNEY, STEPHEN

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to DPAI Decision mailed out on 10/23/2007.
2. ☒ The allowed claim(s) is/are 8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892).
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Quang N Nguyen
Primary Examiner
Art Unit: 2141

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Based on the decision of the Board of Patent Appeals and Interferences (BPAI) mailed 10/23/2007, claim 8 is allowed and claims 2, 4-7, 9-12 and 21-33 are rejected.

3. Please amend claim 8 as below:

Claim 8. (Currently amended) ~~The distributed streaming media server system of claim 4~~ A distributed streaming media server system, comprising:

a plurality of streaming media servers that each store a selection of multimedia files;

a master streaming media server communicatively coupled to the plurality of streaming media servers and that compiles mapping information regarding a location of each of the multimedia files that are stored on each of the plurality of streaming media servers; and

at least one streaming media client that requests access to a multimedia file through the master streaming media server and receives setup information regarding the requested multimedia file such that the at least one streaming media client can directly access the multimedia file from one of the plurality of streaming media servers,

wherein the at least one streaming media client receives the setup information from one of the plurality of streaming media servers, and

wherein the master streaming media server includes a load poll thread, a load average queue, and load average threads to determine the load balancing among the plurality of streaming media servers.

4. Please cancel claims 2, 4-7, 9-12 and 21-33 (since the rejection of claims 2, 4-7, 9-12 and 21-33 are sustained by the decision of the BPAI).


5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should clearly labeled "Comments on Examiner's Amendment".

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Quang N. Nguyen
Primary Examiner – AU 2141
January 23rd, 2008

REPLY UNDER 1.116 - EXPEDITED PROCEDURE**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Stephen Carney § Group Art Unit: 2141
Serial No.: 09/712,101 §
Filed: November 14, 2000 §
For: Dynamic Load Balancing of Video § Examiner: Quang N. Nguyen
Requests §
§ Atty. Dkt. No.: 200308253-1
§ (HPC.0052US)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION DATED JULY 14, 2004

Dear Sir:

In response to the Office Action dated July 14, 2004, please amend the above-identified application as follows:

The Current Listing of Claims begins on page 2 of this paper. The claims have not been amended by this paper.

Remarks/Arguments begin on page 8 of this paper.

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| Date of Deposit: <u>September 13, 2004</u> |
| I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent Office (Fax No. (703) 872-9306) on the date indicated above. |
| <u>Ginger Young</u> Ginger Young |